

Regular Session, 2010

HOUSE BILL NO. 1334

BY REPRESENTATIVE LAMBERT

WILDLIFE & FISHERIES DEP: Provides relative to fisheries management by the Department of Wildlife and Fisheries

1 AN ACT

2 To amend and reenact the heading of Subpart L of Part VII of Chapter 1 of Title 56 of the  
3 Louisiana Revised Statutes of 1950 and R.S. 56:638.1 through 638.5 of the  
4 Legislature and to repeal R.S. 56:57.2, as enacted by Act No. 283 of the 1987  
5 Regular Session of the Legislature and as enacted by Act No. 891 of the 1987  
6 Regular Session of the Legislature and R.S. 56:57.4, relative to fishery management,  
7 conservation, and sustainability; to provide that the Wildlife and Fisheries  
8 Commission is responsible for management of all fisheries in the state; to repeal the  
9 prohibition on state enforcement of federal laws relative to turtle excluder devices;  
10 to repeal the prohibition on state enforcement of federal laws relative to fish excluder  
11 devices; and to provide for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. The heading of Subpart L of Part VII of Chapter 1 of Title 56 of the  
14 Louisiana Revised Statutes of 1950 and R.S. 56:638.1 through 638.5 are hereby amended  
15 and reenacted to read as follows:

16 SUBPART L. ~~SALTWATER~~ FISHERY CONSERVATION, ~~AND~~  
17 MANAGEMENT, AND SUSTAINABILITY

18 §638.1. ~~Saltwater fishery~~ Fishery conservation, ~~and management, and sustainability;~~  
19 legislative intent

20 Recognizing that there are ever increasing numbers of both sport and  
21 commercial fishermen utilizing the waters of the state for recreational and

1 commercial pursuits resulting in conflicts over limited space and competition for the  
2 same ~~saltwater~~ fish, and acknowledging that both the sport and commercial fishing  
3 industries are vital to the economy of the coastal region and the entire state, the  
4 ~~saltwater~~ fishery standards for conservation, ~~and management, and sustainability~~ of  
5 all species of ~~saltwater finfish~~ fish are hereby declared to be fair and in the best  
6 interest of the state.

7 §638.2. Findings

8 The state of Louisiana recognizes that:

9 (1) Its ~~saltwater finfish~~ fish resources are of great value and are renewable.  
10 These ~~saltwater finfish~~ fish resources make many contributions to the state including,  
11 but not limited to the food supply, economy, and health of the state and recreational  
12 opportunities. With proper regulations of the harvest by fishermen, coupled with  
13 protection and enhancement of their freshwater, saltwater, and estuarine habitat,  
14 Louisiana's ~~saltwater finfish~~ fish resources should be available to provide these  
15 benefits to the state indefinitely.

16 (2) As a consequence of increased fishing pressure ~~and~~ or other factors and  
17 because of the ~~inadequacy~~ limitations of fishery conservation, ~~and management, and~~  
18 sustainability practices, certain stocks of fish may have been or will become  
19 overfished.

20 (3) The future productivity of ~~saltwater finfish~~ fish resources may be  
21 seriously jeopardized as a consequence of the continued loss of Louisiana coastal  
22 wetlands, or because of human actions affecting the functionality and value of the  
23 ~~coastal wetlands~~ state's aquatic ecosystems as ~~saltwater finfish~~ fish estuary and  
24 habitat.

25 (4) Both commercial and recreational fishing constitute a major source of  
26 employment and contribute significantly to the economy of the state. Many coastal  
27 areas are dependent upon such fishing and related activities and their economies have  
28 been damaged by pollution, habitat degradation, ~~and~~ or overfishing.

1           (5) ~~Saltwater finfish~~ Fish resources are finite but renewable. If timely placed  
2           under sound management, the fisheries can be conserved and maintained so as to  
3           provide optimum and sustainable yields on a continuing basis.

4           (6) A state program for the wise conservation, ~~and~~ management, and  
5           sustainability of the ~~saltwater finfish~~ fish resources of Louisiana is necessary to  
6           maintain plentiful fish populations, to prevent overfishing, to rebuild reduced stocks,  
7           to ~~insure~~ ensure conservation, and to realize their full potential.

8           (7) The safe development or improvement of fisheries that are not fully or  
9           properly utilized by the Louisiana commercial and recreational fishermen and fishing  
10          industries should help to assure that Louisiana benefits from the employment, food  
11          supply, recreation, and social and economic benefit that could be maintained or  
12          generated thereby, if pursued in such a fashion that is socially, scientifically,  
13          economically, anthropologically, and biologically sound for the state, the species,  
14          ~~and any related species, and their supporting ecosystems.~~

15          (8) A strong state program is necessary to advocate the importance of the  
16          functionality and value of Louisiana's waters and coastal wetlands as estuary and  
17          habitat for ~~saltwater finfish~~ fish resources, the social and economic value of these  
18          resources to the state and the nation, and the need to actively seek to avoid any net  
19          loss of this functionality and value.

20          §638.3. Purposes

21                 In order to implement the objectives and purposes of this Subpart, the  
22          commission shall:

23                 (1) Take timely action to conserve, ~~and manage, and protect~~ ~~saltwater finfish~~  
24          fish species.

25                 (2) Promote the use of sound conservation, ~~and~~ management, and  
26          sustainability principles in the regulation of commercial and recreational fishing.

27                 (3) Actively advocate, on behalf of the ~~saltwater finfish~~ fish constituency,  
28          improvement of or no net loss of the functionality and value of the ~~saltwater~~  
29          fisheries' habitat and estuary.

1           (4) Provide for the preparation and implementation of fishery management  
2 plans, including plans for habitats, estuaries, and their supporting ecosystems, in  
3 accordance with this policy that will prevent overfishing and will achieve and  
4 maintain plentiful fish populations to ensure, on a continuing basis, the optimum  
5 yield from each fishery while ensuring their sustainability.

6           (5) Recognize that ~~saltwater finfish~~ fish populations are subject to both  
7 natural and man-induced increases and decreases, and that changes in harvest levels  
8 may need to be recommended. If changes are required, these increases and decreases  
9 should be distributed among all fishermen in a fair and equitable manner that  
10 considers among other factors historical usage, ensuring that no historical user  
11 groups will be arbitrarily excluded.

12       §638.4. Policy

13           The policy of the state of Louisiana is hereby declared to be the following:

14           Stewardship of the state's ~~saltwater finfish~~ fish resources shall have as its  
15 utmost concern the continued health and abundance of the resource and its environs,  
16 shall provide for optimum sustained benefits to the state, shall be responsive to the  
17 needs of interested and affected citizens, shall ensure the proper and fair utilization  
18 of these resources for the citizens of the state in present and future generations, shall  
19 preserve the state's exclusive right to manage the fisheries within or beyond its  
20 jurisdiction, and shall be based on the best scientific and technical information  
21 available. In addition, such stewardship of the state's ~~saltwater finfish~~ fish resources  
22 shall draw upon federal, state, and academic capabilities and promote efficiency in  
23 carrying out research, administration, management, and enforcement.

24       §638.5. ~~Saltwater fishery~~ Fish standards

25           The commission shall adopt such rules and regulations, consistent with the  
26 authority granted by this Chapter, and in accordance with the Administrative  
27 Procedure Act, for the harvesting, conservation, ~~and management, and sustainability~~  
28 of all species of ~~saltwater finfish~~ fish, in accordance with the following standards:

1           (1) Conservation, ~~and management,~~ and sustainability measures shall prevent  
2           overfishing while achieving, on a continuing basis, the optimum yield while  
3           maintaining healthy, plentiful stocks. In fact, every effort will be made at all times  
4           to prevent a harvest from exceeding the safe upper limit of harvests which can be  
5           taken consistently year after year without diminishing the stocks so that the stock is  
6           truly inexhaustible and perpetually renewable.

7           (2) Conservation, ~~and management,~~ and sustainability measures shall be  
8           based upon the best scientific, economic, biological, anthropological, criminological,  
9           and sociological information available.

10          (3) To the extent practicable, an individual stock or unit of fish shall be  
11          managed as a unit throughout its range within the state's jurisdictional authority and  
12          interrelated stocks of fish and other ~~saltwater~~ natural resources shall be managed in  
13          close coordination while considering their ecosystems.

14          (4) If it becomes necessary to allocate or assign fishing privileges among  
15          various fishermen, such allocations to the extent practicable shall be:

16               (a) Fair and equitable to all such fishermen.

17               (b) Reasonably calculated to promote conservation.

18               (c) ~~Carried~~ Where practicable, shall be carried out in such a manner that no  
19          particular individual, corporation, or other legal entity acquires an excessive share  
20          of such privileges.

21               (d) In the best interest of the citizens of Louisiana.

22          (5) Conservation, ~~and management,~~ and sustainability measures shall, where  
23          practicable, promote efficiency in the conservation and management of fishery  
24          resources; except that no such measure shall have economic allocation as its sole  
25          purpose.

26          (6) Conservation, ~~and management,~~ and sustainability measures shall, where  
27          practicable, minimize costs and avoid unnecessary duplication.

1                   (7) Conservation, ~~and~~ management, and sustainability measures may take  
2                   into account and allow for variations among, and contingencies in, fisheries,  
3                   resources, and catches.

4                   Section 2. R.S. 56:57.2, as enacted by Act No. 283 of the 1987 Regular Session of  
5                   the Legislature and as enacted by Act No. 891 of the 1987 Regular Session of the Legislature  
6                   and R.S. 56:57.4 are hereby repealed in their entirety.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Lambert

HB No. 1334

**Abstract:** Provides relative to programs for fisheries conservation, management, and sustainability by the Department of Wildlife and Fisheries.

Present law assigns the responsibility for saltwater finfish conservation and management to the Dept. of Wildlife and Fisheries. Proposed law expands that responsibility to include conservation, management, and sustainability programs for all fisheries in the state, including saltwater and freshwater.

Present law prohibits the department from enforcing federal laws which require the use of turtle excluder devices and fish excluder devices by commercial fishermen in La. waters. Proposed law repeals both of these statutory prohibitions.

(Amends the heading of Subpart L of Part VII of Chapter 1 of Title 56 of the L.R.S. of 1950 and R.S. 56:638.1 - 638.5; Repeals R.S. 56:57.2, as enacted by Act No. 283 of the 1987 R.S. and as enacted by Act No. 891 of the 1987 R.S. and R.S. 56:57.4)